

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

**REPORT OF EXAMINATION**

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE October 16, 1990	APPLICATION NUMBER S2-27916	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME Kevin M. Burke	(CITY) Sequim	(STATE) Washington	(ZIP CODE) 98382-2201
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**PUBLIC WATERS TO BE APPROPRIATED**

SOURCE  
A pond and an unnamed seasonal creek

TRIBUTARY OF (IF SURFACE WATERS)  
Dungeness River

MAXIMUM CUBIC FEET PER SECOND .02	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR No quantity allocated
QUANTITY, TYPE OF USE, PERIOD OF USE Non-consumptive No quantity allocated	Fish propagation/Wildlife habitat Fire protection	Year-round, as needed Year-round, as needed

**LOCATION OF DIVERSION/WITHDRAWAL**

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL  
450 feet north and 100 feet east of the center of Section 20.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) SW $\frac{1}{4}$ NE $\frac{1}{4}$	SECTION 20	TOWNSHIP N. 29	RANGE, (E. OR W.) W.M. 3W	W.R.I.A. 18	COUNTY Clallam
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**RECORDED PLATTED PROPERTY**

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**

That portion of the south half of the north half of Section 20, T. 29 N., R. 3 W.W.M., Clallam County, Washington, delineated as Parcel 2 on the face of Survey filed January 10, 1983 in Volume 8 of Surveys, page 103 under Auditor's File No. 538542.

A letter from the Department of Wildlife indicates that waters affected by this water right application support resident fish. A fish planting permit may be required. The department has no objections to non-consumptive use. Randy Johnson, regional habitat manager for Department of Fisheries recommends approval of this application.

#### Effect on Instream Flow and Downstream Rights

The pond will also serve as an emergency water supply for use by the fire department, if needed, to protect this property. No permanent diversions structures will be installed.

Mr. Burke plans to begin propagating fish next summer. No diversionary structures will be installed for this purpose.

Parcels of undeveloped privately-owned property are located adjacent to and uphill from this site. Mr. Burke wishes to secure a water right to ensure inflow from this stream into his pond—he hopes to prevent future upstream impoundments or consumptive diversions which will interfere with fish propagation or use of the pond by wildlife.

#### Water Use Proposal

The inlet stream was not flowing at the time of field examination. During most years, flow ceases in July, then resumes in October. According to Mr. Burke, average outflow from the pond is approximately .08 cfs. The pond level remains fairly constant throughout the year, indicating that ground water seepage accounts for a large portion of the total inflow.

A pond fed by a small stream and numerous small springs and seeps is located on this property. The pond is approximately 1/4 acre in size and six feet deep. It supports well-developed aquatic vegetation. The inlet stream is located to the north; a culvert drains the south side.

The Burke property is located off of Palo Alto Road approximately six miles south of Sequim in Clallam County. The Dungeness River flows 3/4 mile to the west. The river valley is mostly agricultural. Most of the surrounding upland areas are managed by Olympic National Forest. Most of the

#### Location and Site Description

Jill Van Hulle and I conducted a field examination of this site on May 29, 1992. Kevin Burke showed us the stream and the pond which he plans to use for fish propagation and fire protection. I reviewed Department of Ecology records to determine possible impacts to existing surface water rights.

#### INVESTIGATIONS:

Legal notice of the proposed application was published in the "Peninsula Daily News" of Clallam County on December 6 and 13, 1990. No protests were received as a result of this notice.

Pursuant to Chapter 90.03 Revised Code of Washington (RCW), on October 16, 1990, Kevin M. Burke applied for a permit to appropriate public surface water. He requests .02 cfs from a pond and an unnamed seasonal creek, tributary to the Dungeness River, for fish propagation, wildlife habitat, and fire protection.

#### BACKGROUND:

I recommend issuance of a permit for Application #S2-27916 based on the following information:

#### REPORT

DEVELOPMENT SCHEDULE	COMPLETE PROJECT BY THIS DATE:	STARTED	WATER PUT TO FULL USE BY THIS DATE:
	August 1, 1994	August 1, 1995	

Stream naturally flows into existing pond.

#### DESCRIPTION OF PROPOSED WORKS

Report Continued

The waters appropriated under this permit are tributary to the Dungeness River which is closed to further appropriations. The use of water for fish propagation, as proposed, is non-consumptive. No quantitative instream effects will occur as a result of this use.

Fire protection use will be consumptive. However, due to its emergent nature, and the high degree of public interest involved, this use will be permitted. The quantity of water available for withdrawal from this source should not significantly impact instream flows on the Dungeness River.

No downstream or upstream surface water right certificates or claims are on file with the Department of Ecology on this stream to its confluence with the Dungeness River.

**CONCLUSION:**

In accordance with Chapter 90.03 RCW, I find there is water available for appropriation from the source in question, that the appropriation as recommended is a beneficial use, and should not impair existing rights or be detrimental to public welfare.

**RECOMMENDATIONS:**

I recommend issuance of a permit to allow appropriation of .02 cfs from this stream and pond, for fish propagation and emergency fire protection. The period of use shall be year-round, as needed, with stream use subject to seasonal availability. Because the use of these waters for fish propagation is non-consumptive and because fire protection use is not quantifiable, no annual quantities will be allocated.

This permit shall be subject to existing downstream rights and the following provisions:

A permit from the Department of Fisheries and/or Department of Wildlife may be needed to raise fish in any state waters. This permit shall be secured prior to operation of the facility.

The Water Resources Act of 1971 specifies certain criteria regarding utilization and management of the waters of the State in the best public interest. Favorable consideration of this application has been based on sufficient waters available, at least during portions of the year. However, it is pointed out to the applicant that this use of water may be subject to regulation at certain times, based on the necessity to maintain water quantities sufficient for preservation of the natural environment.

REPORTED BY: Mari Petru Date: July 28, 1992

The statutory permit fee for this application is \$20.00.